

***Jeanne Ann Burton***

vs

***Hagh Law***

Deposition of

***PHILLIP YOUNG***

*April 21, 2022*

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COURT REPORTERS

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1                   IN THE UNITED STATES BANKRUPTCY COURT  
2                   FOR THE MIDDLE DISTRICT OF TENNESSEE  
3                   NASHVILLE DIVISION

4                   IN RE:    ) Case No:  
5    ) 3:19-bk-07235  
6                   CUMMINGS MANOOKIAN, PLLC,                         ) Chapter 7  
7    )  
8                   Debtor,    ) Honorable Charles  
9    ) M. Walker  
10    )  
11                   Jeanne Ann Burton, in her                         )  
12    ) capacity as Chapter 7  
13                   Trustee,   )  
14    )  
15    )  
16                   Plaintiff,    )  
17    )  
18                   v.   ) Adv. No:  
19                   Hagh Law, PLLC, Afsoon Hagh,                     ) 3:20-ap-90002  
20    )  
21                   Manookian PLLC,                                      )  
22    )  
23                   Defendants.    )  
24    )  
25    )

14  
15  
16    Deposition of  
17    PHILLIP YOUNG  
18    Taken on behalf of the Defendants  
19    Commencing at 10:14 a.m.

20    April 21, 2022

21  
22  
23    Reported by:

24    Harpeth Court Reporters  
25    Franklin, Tennessee  
  Sabrina L. Schneider, LCR No. 455

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1 APPEARANCES:

2 For the Witness:

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4 Thompson Burton, PLLC  
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10 For the Defendant HAGH LAW, PLLC, and AFSOON HAGH:

11 CRAIG V. GABBERT, JR., ESQ.  
12 Bass Berry & Sims  
13 150 Third Avenue South, Suite 2800  
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15 (615) 742-6277  
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17 For the Defendant MANOOKIAN, PLLC:

18 JOHN SPRAGENS, ESQ.  
19 Spragens Law, PLC  
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22 (615) 983-8900  
23 john@spragenslaw.com

24 Also Present:

25 Jeanne Ann Burton, Trustee  
Brian Manookian

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6	INDEX OF EXHIBITS	
7	None were marked	
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1                   The deposition of PHILLIP YOUNG, was taken  
2 on behalf of the Defendants on the 21st day of April,  
3 2022, in the offices of the U.S. Customs House, 701  
4 Broadway, Nashville, Tennessee, for all purposes under  
5 the Federal Rules of Civil Procedure.

6                   The formalities as to notice, caption,  
7 certificate, et cetera, are waived. All objections,  
8 except as to the form of the questions, are reserved  
9 to the hearing.

10                  It is agreed that Sabrina L. Schneider, being  
11 a Notary Public and Court Reporter for the State of  
12 Tennessee, may swear the witness, and that the reading  
13 and signing of the completed deposition by the witness  
14 are reserved.

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1

PHILLIP YOUNG

2

was called as a witness, and after having been first  
duly sworn, testified as follows:

4

E X A M I N A T I O N

5

BY MR. SPRAGENS:

6

Q. Mr. Young, my name's John Spragens. I assume  
that you know the rules of a deposition; is that fair?

8

A. I do.

9

Q. You're represented by counsel, Mr. Thompson?  
Sorry.

11

A. Mr. Campbell.

12

Q. Mr. Campbell of Thompson Burton?

13

A. Yes.

14

Q. Can you give me a little bit of background  
about yourself in terms of law licensure and the  
history of your career?

17

A. Yeah. Licensed in 2000. Practiced at Bass,  
Berry & Sims from 2000 to August 2008. Was on my  
own from August 2008 through January 2010. Formed  
Garfinkle, McLemore & Young in 2010, practiced there  
until March of 2014, and have been with Thompson  
Burton since that time.

23

Q. Let's see. So you went to Bass, Berry & Sims  
straight after law school?

25

A. Yeah.

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1 Q. And then you left there in 2008?

2 A. Right.

3 Q. With respect to your separation from Bass,  
4 Berry & Sims, was that your decision or the firm's  
5 decision or a mutual decision?

6 A. My decision.

7 Q. And were there any ethical issues raised in  
8 terms of your integrity or your ethical practice of  
9 law at that time?

10 A. None.

11 Q. Then you were in solo practice for two or  
12 three years; is that right?

13 A. About a year and a half, I think.

14 Q. And then you were at the Garfinkle firm from  
15 '10 to '14?

16 A. Correct.

17 Q. Was it your decision to separate from the  
18 Garfinkle firm or was it the firm's decision?

19 A. My decision.

20 Q. Were you a partner at that firm?

21 A. Yes.

22 Q. And you had a membership interest in the firm?

23 A. I did.

24 Q. With respect to -- okay. At Bass, I'm  
25 assuming you were not a partner; is that right?

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1 A. I had not yet been a partner. They told me I  
2 was making partner.

3 Q. So you were expecting to make partner at the  
4 time you left Bass?

5 A. Correct.

6 Q. Any reason why you didn't stick around and  
7 make partner?

8 A. Sure. Because I was working too much, had  
9 small children.

10 Q. What was the corporate form of your solo  
11 practice?

12 A. Just an LLC -- or PLLC.

13 Q. PLLC?

14 A. Yeah.

15 Q. What, if you recall, was the Garfinkle firm's  
16 corporate entity status?

17 A. It was either a PLC or PLLC. I don't  
18 remember.

19 Q. And you said it was your decision to leave the  
20 Garfinkle firm.

21 A. Correct.

22 Q. And then you went to Thompson Burton.

23 A. Right.

24 Q. What's the corporate form of Thompson Burton?

25 A. PLLC.

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1 Q. And I assume that at all times that you were  
2 whether solo at Garfinkle or at Thompson Burton,  
3 there's been a licensed attorney who's a member -- at  
4 least one licensed attorney who's a member of each of  
5 those firms?

6 A. I assume so at Bass Berry. Since I wasn't a  
7 member there, I can't speak to that directly, but I  
8 assume so. But I can speak directly to the others.  
9 Yes.

10 Q. Your client identified you as having personal  
11 knowledge about some of the allegations in the  
12 complaint in this case; is that correct?

13 A. Yes.

14 Q. And that was in her sworn interrogatory  
15 responses to Ms. Hagh's interrogatories; is that  
16 right?

17 A. Correct.

18 Q. What is the subject matter or the -- what are  
19 the topics about which you have personal knowledge in  
20 this case?

21 A. Things that happened -- any of the allegations  
22 in the complaint that related to the receivership,  
23 because there was a separate receivership section, and  
24 then certain of the facts under the heading of the  
25 Fitzgerald case to the extent that those things

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1       happened prior to the bankruptcy, so, for example,  
2       discussions about movement of the money and things  
3       like that.

4       Q.       The bankruptcy was filed in -- is it November  
5       or December of 2019?

6       A.       November.

7       Q.       November 2019. So with respect to the  
8       Fitzgerald case, before that date would be what you  
9       have personal knowledge about?

10      A.       Correct.

11      Q.       And the receivership allegations, those  
12       would be the ones that appear under the heading the  
13       Receivership, and that starts on Page 5 and goes  
14       through Page 6 of the complaint. Does that sound  
15       right to you?

16      A.       I guess. It's under a heading that says  
17       Receivership. And obviously some of those things are  
18       taken directly from pleadings. But you'll see in  
19       there that the receiver made demand or the receiver  
20       asked or things like that. Those are the things that  
21       I would have personal knowledge of.

22      Q.       And with respect to the Fitzgerald case  
23       allegations, that's the next section of the complaint,  
24       and those are the ones that your knowledge -- your  
25       personal knowledge continues through the time of the

1 filing of the bankruptcy?

2 A. Right. I think that -- I think my involvement  
3 in the Fitzgerald matter really ended in -- well, I  
4 guess -- yeah, I guess that's right, because there  
5 were continuing to be hearings up through the time of  
6 the bankruptcy, so -- about the money that was  
7 deposited with the state court, so...

8 Q. That's right. And some of those hearings  
9 would have occurred after the bankruptcy was filed  
10 and, though, at the time you were still functioning as  
11 the receiver in the state court case; is that right?

12 A. Yes. This was not a typical receivership.  
13 I was not receiver of Cummings Manookian. This was  
14 a receivership that was just to collect choses in  
15 action. So it was a receivership just to collect A/R,  
16 but to the extent A/R was still outstanding up until  
17 the time of the bankruptcy. Once the bankruptcy was  
18 filed, I no longer had authority to collect the A/R.

19 Q. But you were still involved in the -- as the  
20 receiver after the bankruptcy was filed but before the  
21 adversary proceeding was filed, correct?

22 A. In name. There was just nothing to do.

23 Q. Didn't we both attend a hearing together in  
24 December of 2019? And my understanding, and correct  
25 me if I'm wrong, was that you were there as the

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1 receiver.

2 A. That's right. Yeah, that's right.

3 Q. And that was in Lawrenceburg in front of Judge  
4 Allen.

5 A. Allen.

6 Q. You were appointed receiver on June 20th,  
7 2019; is that right?

8 A. That sounds right. I thought it was early  
9 July, but it may have been late June.

10 Q. I'll just -- rather than trying to show  
11 you a bunch of documents today, out of respect for  
12 everyone's time, I'll represent to you that Paragraph  
13 22 of the complaint says, "On June 20th, 2019,  
14 the Williamson County Circuit Court granted the  
15 receivership and entered an order appointing Phillip  
16 G. Young as receiver for purposes of collecting the  
17 Cummings Manookian and Hammervold, PLC, choses in  
18 action."

19 A. That would be more accurate than my memory  
20 today, so yes.

21 Q. With respect to your knowledge or the  
22 materials in the complaint that you have personal  
23 knowledge about, is there anything in the complaint  
24 that you now believe is inaccurate?

25 A. That I have personal knowledge of? No.

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1 Q. Was an order ever entered terminating the  
2 receivership in the state court case?

3 A. No, I don't think so.

4 Q. So as of today you are still the receiver by  
5 that court appointment?

6 A. I suppose in name, but there's nothing to do,  
7 because, like I said, there's no choses in action.  
8 Those all belong to the bankruptcy estate.

9 Q. But whether or not there's anything to do, you  
10 were appointed receiver and the Court has not  
11 terminated that appointment?

12 A. To my knowledge, they haven't terminated.

13 Q. What was your first awareness of a dispute  
14 between Mr. Manookian or his then law firm and the  
15 Chase parties? Essentially, how did you get involved  
16 as receiver in that case?

17 A. I received a call from Dan Puryear a month or  
18 two, maybe, before my appointment to ask if I was  
19 willing to serve as a receiver in a case.

20 Q. And had you known him previously?

21 A. Dan Puryear? I'd worked with him in other  
22 cases.

23 Q. Had you ever served as a receiver in a case in  
24 which he was representing a party?

25 A. I don't think so.

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1 Q. Had you ever served as a receiver before in  
2 other state court cases?

3 A. Yes.

4 Q. So I'll represent to you that the complaint  
5 says that they filed the receivership motion on April  
6 25th of 2019. Does that sound right to you?

7 A. That sounds right.

8 Q. Do you believe that you were contacted by  
9 Mr. Puryear before that motion was filed?

10 A. I think so, but I'm not certain. I think so.

11 Q. Do you recall whether that motion asked the  
12 Court to appoint you specifically as receiver or just  
13 a receiver?

14 A. I don't recall.

15 Q. Do you recall reviewing that motion before it  
16 was filed?

17 A. No. I recall reviewing an order before an  
18 order was submitted, but I don't recall reviewing a  
19 motion.

20 Q. And when Mr. Puryear contacted you, what in  
21 sum or substance did he say?

22 A. That he was representing a party that had a  
23 large judgment against a default -- a defunct law firm  
24 or against a law firm that was being wound down or  
25 something and that he needed somebody to collect the

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1 accounts receivables.

2 Q. So at the time that he first contacted you, he  
3 told you that Cummings Manookian was being wound down?

4 A. Let me think of when that was. Yes, I think  
5 he did.

6 Q. And what did you say to him? I assume you had  
7 to run a conflicts check and go through the usual  
8 process?

9 A. I did.

10 Q. Did you say -- what's your recollection of how  
11 you responded to his --

12 A. Well, obviously I said yes at some point. I  
13 don't remember -- I don't remember whether I -- you  
14 know, whether that took two weeks or two days. I  
15 don't remember.

16 Q. Had you had any previous dealings with  
17 Cummings Manookian or Mr. Manookian as of the time  
18 Mr. Puryear called you?

19 A. No. I'd never heard of either of them.

20 Q. And so, essentially, at that time you agreed  
21 that you would serve as receiver if the Court  
22 appointed you, and attempt to collect that  
23 approximately \$750,000; is that right?

24 A. That's right.

25 Q. And that \$750,000 was a sanctions award that

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1 Judge Binkley had entered in Williamson County court  
2 against Mr. Manookian; is that right?

3 A. I think it was against Mr. Manookian, Cummings  
4 Manookian, Mark Hammervold, and Mark Hammervold's law  
5 firm.

6 Q. Did you attend the hearing on that motion?

7 A. Yes.

8 Q. So presumably that motion probably named you;  
9 is that right?

10 A. Certainly by the time -- by the time it was  
11 being heard, I was proposed. I don't remember whether  
12 the motion named me or whether that was later. I just  
13 don't recall. But certainly I knew by the time that  
14 there was a hearing that I was being proposed.

15 Q. What did you do -- what was your first act as  
16 receiver after you got that appointment?

17 A. What I recall is that I attempted to contact  
18 Mr. Manookian, Mr. Hammervold, and maybe Mr. Cummings  
19 -- definitely Mr. Cummings at some point, I don't know  
20 whether that was later, but to get a list of cases  
21 that were still active for Cummings Manookian,  
22 Hammervold, either of those two firms.

23 Q. And that would have been in the summer of  
24 2019?

25 A. That's right.

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1 Q. Did you get that list from any or all of them?

2 A. I think I got lists from all of them. They  
3 were all slightly different, as I recall, but I  
4 believe I got lists from all of them.

5 Q. And then what did you do after you got that  
6 list or those lists?

7 A. Filed attorneys liens in those cases.

8 Q. And you listed those cases in the complaint on  
9 Page 6, the list that we talked about yesterday with  
10 Ms. Burton; is that right?

11 A. That's correct.

12 Q. And then at some point did you begin  
13 attempting to collect fees in those cases on behalf of  
14 the Chase parties?

15 A. Yes. Well, on behalf of the Court. The Court  
16 would ultimately decide what happened to the funds,  
17 but on behalf of the Court.

18 Q. Sure. Do you remember -- do you recall which  
19 cases you successfully were collecting fees in during  
20 that time period?

21 A. I don't. I know there were a couple, and I  
22 think they're listed in the complaint, actually, but I  
23 don't remember which of those cases we actually  
24 collected funds from.

25 Q. And then at some point Mr. Cummings continued

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1 to make some payments to you as cases continued to  
2 settle; is that right?

3 A. Yes.

4 Q. Was that all in 2019 or did that bleed into  
5 2020 after the bankruptcy?

6 A. That would be a question for the trustee,  
7 but I -- I believe the trustee collected some fees  
8 from Mr. Cummings, as well, post bankruptcy. I know I  
9 did as receiver pre bankruptcy in maybe two or three  
10 cases.

11 Q. When did you get copies of any engagement  
12 letters? When, if ever, did you get copies of any  
13 engagement letters between Cummings Manookian and its  
14 clients?

15 A. As receiver, I got copies of engagement  
16 letters in -- from Mr. Manookian in, I believe it was,  
17 September 2019.

18 Q. How did you get those? Were they emailed to  
19 you or did you meet in person? What were the  
20 circumstances of getting those?

21 A. I met at 45 Music Square West, met  
22 Mr. Manookian there, and he gave me copies there.

23 Q. Was anybody else at that building, as far as  
24 you knew, during that meeting?

25 A. I didn't see anyone else.

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1 Q. So Ms. Hagh certainly wasn't there?

2 A. Not that I know of.

3 Q. And is it fair to say that in your time as  
4 receiver, you did not ever see Ms. Hagh at 45 Music  
5 Square West?

6 A. I've never met Ms. Hagh, so no.

7 Q. Is that the only time that you've been to  
8 45 Music Square West, that September 2019 meeting?

9 A. Yes.

10 Q. Tell me what happened during that meeting.

11 A. It was pretty uneventful. I showed up and  
12 rang the doorbell. It took -- I remember it took a  
13 while for somebody to come to the door because I was  
14 thinking, you know, "Am I at the wrong place?" But  
15 Mr. Manookian came to the door.

16 We went upstairs to a conference room, sat  
17 down. He had the letters laid out and some other  
18 things. Like, I know there were some notices about  
19 his temporary suspension that he gave me at that  
20 meeting and there were some -- maybe some case  
21 invoices related to the Fitzgerald case that he gave  
22 me. It was mostly engagement letters for the various  
23 matters I'd asked for.

24 Q. At that meeting, did you receive a copy of the  
25 December 2018 withdrawal letter that we looked at

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1 yesterday with Ms. Burton?

2 A. I did.

3 Q. Any other withdrawal letters that you received  
4 during that meeting?

5 A. No.

6 Q. When you were at 45 Music Square West, did you  
7 see anyone -- did you see any indicia of law practice  
8 going on while you were there?

9 A. I didn't see anyone there, if that's what  
10 you're asking.

11 Q. When you were up on the second floor, you were  
12 in just a nondescript conference room; is that right?

13 A. Yeah, was just in a conference room.

14 Q. Was anybody using any of the other offices on  
15 that floor?

16 A. I don't remember seeing any other offices.  
17 What I recall is that we went straight into a  
18 conference room. I wasn't looking, though. I wasn't  
19 looking for people.

20 Q. At some point, did you learn that Ms. Hagh had  
21 formed Hagh Law in March of 2019?

22 A. Yes.

23 Q. And do you recall how you learned that?

24 A. I think that the way I recall that is that in  
25 the process of attempting to secure the Fitzgerald

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1 fees, Mr. Manookian represented -- well, first, I  
2 found out from Mr. Meisner, who was the defense lawyer  
3 in that case, that he was instructed to remit those  
4 fees to Afsoon Hagh at Hagh Law. I think that may  
5 have been the first time I'd heard about Hagh Law at  
6 that point. And I think maybe I went to the secretary  
7 of state's office, you know, to the website, to pull  
8 it up at that point.

9 Q. What, if anything else, did Mr. Meisner tell  
10 you other than that he was instructed to remit the  
11 fees to Hagh Law?

12 A. That that's what the settlement agreement said  
13 and that that's what he intended to do.

14 Q. Did he suggest to you that there was anything  
15 untoward or unusual about sending those fees to Hagh  
16 Law?

17 A. No.

18 Q. Did you develop an impression at that time  
19 that there was something untoward or improper about  
20 those fees being submitted to Hagh Law?

21 A. I don't know if it was at that time or later,  
22 but I certainly, at some point during that time prior  
23 to the bankruptcy, knew that the complaint had been  
24 filed by Cummings Manookian and that even after the  
25 December 2018 letter from Mr. Manookian that purported

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1 to terminate the relationship, that Ms. Hagh continued  
2 filing pleadings in the Fitzgerald case on behalf of  
3 Cummings Manookian.

4 Q. And how did you learn that, that she had  
5 continued to file pleadings, as you say, on behalf of  
6 Cummings Manookian?

7 A. From the court file.

8 Q. So you went and looked at the docket to try to  
9 figure out everything that's been going on in the  
10 Fitzgerald case at that time?

11 A. I don't remember if that was -- it was  
12 somewhere in August or September of 2019.

13 Q. You are aware that when an attorney or a law  
14 firm seeks to withdraw from a case, they have to make  
15 some efforts to ensure that the client is continued to  
16 be represented in that case; is that right?

17 A. Yes, unless the Court excuses them from that  
18 and allows the client to proceed pro se, yes.

19 Q. So there's nothing unusual about seeing a  
20 motion to withdraw that assures the Court that the  
21 client will continue to be represented by another  
22 attorney, is there?

23 A. No. I thought it was unusual that there was  
24 no order allowing the withdrawal, but -- what was  
25 unusual about that, though, is it was -- it was not

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1 Cummings Manookian's withdrawal, it was Brian  
2 Manookian's withdrawal, and then it said Afsoon Hagh  
3 will continue representing the client.

4 Q. And what was the significance, in your mind,  
5 of not seeing an order regarding the withdrawal?

6 A. I've just never -- I mean, it's a hanging  
7 motion that's not resolved if there's no order that  
8 grants the motion or denies the motion.

9 Q. And that's really as a result of the Court's  
10 action, not the litigant's action, right?

11 A. I mean, if you don't submit a proposed order,  
12 there's not going to be one granted.

13 MR. GABBERT: Unless you've lost your  
14 license and you can't submit a proposed order.

15 MR. MANOOKIAN: Unless the Tennessee  
16 Supreme Court has already submitted it on your behalf.  
17 BY MR. SPRAGENS:

18 Q. You're aware that Mr. Manookian became  
19 suspended from the practice of law at some point in  
20 2018, right?

21 A. Yes.

22 Q. And was it your understanding that that action  
23 was taken by the Tennessee Supreme Court and the Board  
24 of Professional Responsibility?

25 A. As far as I know.

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1 Q. And there's nothing that any trial court has  
2 to do to effectuate suspension of a law license, is  
3 there?

4 A. Not that I know of.

5 Q. Do you have a view on whether Cummings  
6 Manookian could have filed a notice of withdrawal as  
7 opposed to a motion to withdraw in the Fitzgerald  
8 case?

9 A. I don't know.

10 Q. If they had filed a notice of withdrawal,  
11 how would that impact your view of whether Cummings  
12 Manookian continued to represent the Fitzgerald  
13 family?

14 A. If Cummings Manookian had filed a notice or if  
15 Brian Manookian had filed a notice?

16 Q. Let's start with Cummings Manookian.

17 A. If Cummings Manookian had filed a notice, then  
18 presumably there would be a substitution of counsel  
19 right behind it for the reasons that you've just  
20 expressed, that the Court doesn't want them  
21 unrepresented, and then -- so that would be  
22 understandable.

23 Q. What if Brian Manookian, who you knew to be --  
24 let me ask you this. Did you know at that time that  
25 Brian Manookian was the sole member of Cummings

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1 Manookian?

2 A. No.

3 Q. When did you learn that he was the sole member  
4 of Cummings Manookian?

5 A. Sometime after the bankruptcy was filed.

6 Q. At what point did you first have dealings with  
7 Brian Cummings?

8 A. Within a few weeks after the receivership,  
9 like I said, I reached out to him to try to get a list  
10 of cases he was aware of that Cummings Manookian or  
11 Hammervold Law was involved in.

12 Q. And as of that time, you knew that he had been  
13 a named partner at Cummings Manookian?

14 A. Yes.

15 Q. And a member for purposes of the PLLC?

16 A. Yes.

17 Q. Did you seek to get a copy of the operating  
18 agreement at that time?

19 A. No.

20 Q. At what point did you seek to get a copy of  
21 the Cummings Manookian operating agreement?

22 A. I never did. The trustee did.

23 Q. So that would have been after the bankruptcy  
24 was filed?

25 A. Correct.

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1 Q. Is that how you came to learn that as of  
2 December 2018 and early 2019, that Mr. Manookian was  
3 the sole member of Cummings Manookian?

4 A. No. I think I discovered that after the  
5 bankruptcy, but I think it was a combination of things  
6 between what the trustee told me about the meeting of  
7 creditors and then looking up secretary of state  
8 information on Cummings Manookian.

9 Q. In 2019, before the bankruptcy was filed, did  
10 you have any view on who else was or may have been a  
11 member of Cummings Manookian?

12 A. I didn't know whether Afsoon Hagh was a  
13 member.

14 Q. Did you ask Mr. Manookian that question?

15 A. I did not.

16 Q. Did you ask Ms. Hagh that question via email  
17 or telephone or any other way?

18 A. I did not.

19 Q. Did you take any steps in 2019 to determine  
20 who all the members of Cummings Manookian were?

21 A. No.

22 Q. And is there any reason that you didn't do  
23 that?

24 A. It wasn't relevant at that time.

25 Q. In your role as receiver, did you have any

1 view on whether a PLLC that did not have a member with  
2 an active law license could continue to represent  
3 clients?

4 A. No.

5 Q. Do you have any view on that now?

6 A. Yes.

7 Q. Are you prepared to share that view?

8 A. Sure. Mr. Manookian had a suspended license.  
9 He still had a license, he was not disbarred, and so I  
10 believe he could still own a PLC. In fact, he formed  
11 Manookian, PLLC, while he was suspended.

12 Q. So it's your view that if a lawyer has  
13 a suspended license, they can form and operate a  
14 professional LLC engaged in the practice of law, they  
15 just can't personally practice law?

16 A. Right.

17 Q. You are aware that the terms of his  
18 suspension, which he reviewed, prohibited  
19 Mr. Manookian from being in the same building as  
20 anyone practicing law?

21 A. I was aware of that.

22 Q. And that doesn't change your view about  
23 whether a PLLC with a suspended sole member can  
24 continue to practice law?

25 A. It doesn't. I mean, you can have associates.

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1 Q. Is it your view that Mr. Manookian could hire  
2 associates today and run a law firm where they are  
3 engaged in the practice of law?

4 A. I don't know. You'd have to ask the BPR that.

5 Q. And have you taken any steps to ask the BPR  
6 that?

7 A. No.

8 Q. Have you taken any steps to consult with an  
9 expert on legal ethics about whether that's  
10 permissible or not?

11 A. No.

12 Q. And have you taken any steps to consult with  
13 an expert on corporate formation and entities such as  
14 a PLLC about whether that is allowable under the PLLC  
15 statute?

16 A. No. I mean, I've looked at the PLLC statute.  
17 Have I consulted with an expert? No.

18 Q. That's your view of the statute, though?

19 A. Yes. That's what you asked me, was my view.

20 Q. At what point -- well, let me ask you this.  
21 Did you at some point develop the view that Ms. Hagh  
22 was continuing to practice law on behalf of Cummings  
23 Manookian after December 2018?

24 A. Yes.

25 Q. How did you develop that view?

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1 A. I'm sorry. Ask me the question again.

2 Q. I think that you had just said that you did  
3 develop the view at some point that Ms. Hagh was  
4 continuing to practice law on behalf of Cummings  
5 Manookian after December 2018. And my question is:  
6 How did you come to develop that view?

7 A. Okay. From looking at the pleadings in the  
8 Fitzgerald case where she continued filing pleadings  
9 on behalf of Cummings Manookian.

10 Q. And you developed that view in the summer or  
11 fall of 2019?

12 A. It would have been -- it would have been the  
13 fall of 2019.

14 Q. And when did Ms. Hagh, in your view as  
15 receiver, stop practicing law on behalf of Cummings  
16 Manookian?

17 A. I don't know that I formed an opinion, as  
18 receiver, of that.

19 Q. In your role as receiver, did you share  
20 Ms. Burton's view that when Ms. Hagh filed pleadings  
21 that stated Cummings Manookian, she was working on  
22 behalf of Cummings Manookian, and when she filed  
23 pleadings that stated Hagh Law, she was working on  
24 behalf of Hagh Law?

25 MR. CAMPBELL: Object to the form.

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1                   THE WITNESS: I don't know that I formed  
2 an opinion either way about that.

3 BY MR. SPRAGENS:

4 Q.           As receiver, did you form an opinion that  
5 Ms. Hagh was -- that all of Ms. Hagh's work in the  
6 Fitzgerald case in 2019 was performed on behalf of  
7 Cummings Manookian?

8 A.           Again, I don't know that I formed an opinion  
9 about that. What I was tasked to do by the Court was  
10 to collect \$750,000, and I knew that I had a very good  
11 argument, based on the engagement letter, that the  
12 firm was entitled to at least that much, and that was  
13 sort of the end of it.

14 Q.           Well, let's talk about the engagement letter  
15 for a minute. You're aware that the engagement letter  
16 entitles Cummings Manookian to collect a reasonable  
17 attorney's fee in the event it's discharged by its  
18 client, right?

19 A.           That's what it says, right.

20 Q.           And in the next paragraph, it talks about if  
21 the firm withdraws from the representation, and it  
22 says, "Cummings Manookian is entitled to collect its  
23 advanced costs," correct?

24 A.           That's what it says, right.

25 Q.           And it does not say anything in that paragraph

1 about collecting any fees from the client; is that  
2 correct?

3 A. It does not.

4 Q. You would agree that the Fitzgeralds never  
5 discharged Cummings Manookian as their counsel,  
6 correct?

7 A. Not to my knowledge.

8 Q. And you've seen the December 2018 letter in  
9 which Cummings Manookian tells the Fitzgeralds that it  
10 is withdrawing from the case, correct?

11 A. Yes. And then there's subsequent pleadings  
12 that were continued to be filed on behalf of Cummings  
13 Manookian.

14 Q. But you have seen that letter that we looked  
15 at yesterday with Ms. Burton?

16 A. Yes.

17 Q. And when you withdraw from a representation,  
18 is it unusual, in your view, that there might be a  
19 transition period in which a couple of additional  
20 pleadings are filed?

21 A. Yes, that would be unusual in my opinion.

22 Q. Your reading of the engagement letter between  
23 Cummings Manookian and the Fitzgeralds is that it is  
24 silent on the question of whether Cummings Manookian  
25 is entitled to attorney's fees in the event that it

1 withdraws?

2 A. Are you asking me as receiver or counsel for  
3 the trustee?

4 Q. I'm asking you as receiver when you got that  
5 letter.

6 A. As receiver, I had no opinion about that.

7 Q. Well, you just told me that you thought that  
8 you had a good argument as receiver that Cummings  
9 Manookian was entitled to that money in the Fitzgerald  
10 case. So what's the basis of that good argument?

11 A. Because there was a signed engagement letter  
12 with Cummings Manookian, and I was unaware of any  
13 other signed engagement letters.

14 Q. But you were aware, as of summer 2019, that  
15 this December 2018 withdrawal letter existed, right?

16 A. Yes.

17 Q. How did that impact your good argument?

18 A. It didn't.

19 Q. And why is that?

20 A. Because I think that's an attempted withdrawal  
21 that was never followed through. I think it was a  
22 notice to the client that there was an attempt to  
23 withdraw and then there was never a withdrawal.

24 Q. So it's your view -- or it was your view as  
25 receiver that notwithstanding the suspension of the

1 law license and the statement to the client that "I  
2 am required to withdraw as counsel in this matter,  
3 Cummings Manookian is additionally required to  
4 withdraw as Brian Cummings has recently left the  
5 firm and I am in the process of winding up its  
6 affairs" -- notwithstanding that language, you do  
7 not believe that there was an effective withdrawal  
8 by Cummings Manookian in the Fitzgerald matter?

9 A. That's correct.

10 Q. And the statement in the December 2018 letter,  
11 "I am in the process of winding up its affairs,"  
12 that's consistent with what Mr. Puryear told you when  
13 he called you about serving as receiver, correct?

14 A. I think it is, yeah.

15 Q. Cummings Manookian was winding down because  
16 Manookian had been suspended from the practice of law  
17 and so he couldn't continue anymore?

18 A. I don't know if he said that, but I do think  
19 he said they were winding down. I do believe that.

20 Q. And so this letter that was signed by Brian  
21 Manookian in December of 2018 is entirely consistent  
22 with what Mr. Puryear told you when you got involved  
23 in the case?

24 A. With regard to the winding down, yes.

25 Q. So how would Cummings Manookian continue to

1 represent the Fitzgeralds after sending this letter  
2 and filing a motion for withdrawal in the Fitzgerald  
3 case?

4 A. Well, Cummings Manookian didn't file a motion  
5 to withdraw. It was Brian Manookian's motion to  
6 withdraw. So Afsoon Hagh could continue representing  
7 Cummings Manookian in that case.

8 Q. And it was your view as receiver she could do  
9 that, notwithstanding the fact that the principal of  
10 Cummings Manookian sent a letter telling the client  
11 that the firm would no longer represent the client or  
12 even be engaged in the business of practicing law?

13 A. Yes.

14 MR. CAMPBELL: Mr. Spragens, are you  
15 going to make that an exhibit to his depo?

16 MR. SPRAGENS: I wasn't planning to,  
17 because we did it yesterday.

18 MR. CAMPBELL: If it's in the record from  
19 yesterday, that's fine.

20 MR. SPRAGENS: It is the December 7th,  
21 2018, letter.

22 THE WITNESS: I know what letter you're  
23 talking about.

24 BY MR. SPRAGENS:

25 Q. In your view, were Marty and Melissa

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1 Fitzgerald entitled to rely on the representation  
2 from Mr. Manookian in December 2018 that the firm was  
3 withdrawing and, in fact, winding up its affairs?

4 A. I don't even know if they received that  
5 letter, so I can't answer that question.

6 Q. If they did receive that letter, would they be  
7 entitled to rely on that representation?

8 MR. CAMPBELL: Object to the form.

9 THE WITNESS: I don't know.

10 BY MR. SPRAGENS:

11 Q. You didn't have a view on that as receiver?

12 A. No.

13 Q. At the time that Mr. Manookian gave you a copy  
14 of this letter in 2019, did you doubt that it had been  
15 sent to the client?

16 A. Yes.

17 Q. And what was the basis of that?

18 A. Because Mr. Manookian couldn't produce -- or  
19 Cummings Manookian couldn't produce the green card,  
20 because he says it was sent certified.

21 Q. Any other reason you doubted the authenticity  
22 of this letter?

23 A. That's it.

24 Q. If Mr. Fitzgerald testifies that he received  
25 this letter, would that be sufficient, in your mind,

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1 to demonstrate that he did receive this letter?

2 A. As receiver, it doesn't matter to me anymore.

3 So...

4 Q. And when you were receiver, did you contact  
5 Mr. Fitzgerald to ask if he received this letter?

6 A. No.

7 Q. Did you develop your suspicion about its  
8 authenticity immediately upon receiving it? In other  
9 words -- let me ask you this: When did you ask for  
10 the green card?

11 A. Before the bankruptcy. It was while I was  
12 serving as receiver, but I don't remember when.

13 Q. Was it during that meeting at 45 Music Square  
14 West?

15 A. It could have been, or it could have been  
16 after that. I don't remember.

17 Q. Do you have any correspondence where you asked  
18 for the green card?

19 A. I don't know.

20 Q. Do you recall if you did it orally or in  
21 writing?

22 A. I don't.

23 Q. Is that material that you could search through  
24 and obtain in this case if we asked you to?

25 A. I could if it's relevant, yes.

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1 Q. Is there any chance that you didn't ask for  
2 the green card?

3 A. No. I asked for the green card.

4 Q. You just don't remember when or how?

5 A. I don't remember how or when. I remember  
6 being told that the file that that was kept in had  
7 been corrupted, the computer file, that it had been  
8 scanned in and been corrupted.

9 Q. Do you recall hearing anything about a server  
10 that was no longer able to be accessed?

11 A. No.

12 Q. You don't recall Mr. Manookian ever telling  
13 you about that?

14 A. No.

15 Q. And when you say you heard about a file that  
16 had been corrupted, when did you hear about that?

17 A. It would have been the same time I asked for  
18 the green card.

19 Q. That was a conversation between you and  
20 Mr. Manookian?

21 A. Yes. I don't remember whether it was by email  
22 or orally. I don't remember.

23 Q. But you two were the only parties to that  
24 conversation?

25 A. As far as I remember, yes.

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1 Q. And whatever conversation you-all had in  
2 person at 45 Music Square West, you-all were the only  
3 parties to that conversation as well?

4 A. Yes. It was a brief conversation. It was  
5 really, "Here are the documents."

6 Q. And to the best of your recollection, at that  
7 meeting you did not ask for the green card?

8 A. I don't remember. I don't remember if it was  
9 that meeting or later.

10 Q. Is there something that led you to believe you  
11 needed to see the green card in order to understand  
12 that this letter got sent?

13 A. I don't remember. I don't remember why I  
14 asked for the green card.

15 Q. Because my point is, you know, a lot of times  
16 letters say via U.S. mail, via email, but you don't go  
17 ask every time you get a letter to see the proof that  
18 it was sent, correct?

19 A. Right.

20 Q. So what was it about this letter that made you  
21 need to see the green card?

22 A. I think just the fact that then there were  
23 filings that Afsoon Hagh later had on behalf of  
24 Cummings Manookian.

25 Q. Well, that was your legal view as the

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1 receiver, correct?

2 A. Right.

3 Q. That was a conclusion you drew?

4 A. Right.

5 Q. So isn't it possible that you drew a  
6 conclusion that was just not supported by the record  
7 of what actually happened in the case?

8 A. Yeah. Of course that's possible.

9 Q. Do you have any information about what the  
10 Fitzgeralds did after receiving this letter, if, in  
11 fact, they received this letter?

12 A. No.

13 Q. Do you know if they attempted to interview any  
14 other attorneys to represent them?

15 A. I don't.

16 Q. And you didn't contact them to ask about  
17 that --

18 A. No.

19 Q. -- when you were serving as receiver?

20 A. I did not.

21 Q. Upon your appointment as receiver, at some  
22 point you filed motions that were adverse to Cummings  
23 Manookian; is that correct? And by "adverse" I mean  
24 seeking to collect funds from Cummings Manookian.

25 A. No, I don't think so. I don't think I was

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1 ever seeking -- I was seeking to recover the funds  
2 that belonged to Cummings Manookian.

3 Q. Did you ever file a motion seeking contempt  
4 against Cummings Manookian?

5 A. In the receivership?

6 Q. When you were serving as receiver.

7 A. I may have, but I don't remember.

8 Q. Did you file a motion seeking sanctions  
9 against Cummings Manookian as receiver?

10 A. I may have. I don't remember.

11 Q. Do you recall that the substance of the  
12 December 2019 hearing involved allegations by you as  
13 receiver that Ms. Hagh had moved money improperly in  
14 bank accounts?

15 A. Yes.

16 Q. And those allegations are actually  
17 memorialized in the complaint that Ms. Burton filed,  
18 correct?

19 A. That's correct.

20 Q. Do you recall seeking monetary sanctions  
21 against Ms. Hagh or Hagh Law?

22 A. I don't, but I could have. I just don't  
23 remember.

24 Q. Do you recall seeking monetary sanctions  
25 against Cummings Manookian?

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1 A. I don't, but I could have. I mean, the  
2 pleadings would be the best evidence of that. I just  
3 don't remember.

4 Q. So whatever the pleadings say, you stand by  
5 those pleadings?

6 A. That's right.

7 Q. Do you agree with me that if you filed a  
8 motion seeking sanctions and -- monetary sanctions  
9 and/or contempt against Cummings Manookian, that that  
10 would make you adverse to Cummings Manookian?

11 MR. CAMPBELL: Object to the form.

12 THE WITNESS: I don't know. I don't  
13 remember the context of that, so I can't answer that  
14 question.

15 BY MR. SPRAGENS:

16 Q. Do you understand what I mean when I talk  
17 about adversity in a legal sense?

18 A. Yeah. Sure.

19 Q. So if you alleged improper conduct by Cummings  
20 Manookian or its principals, do you agree with me that  
21 that would make you adverse to Cummings Manookian?

22 A. Or its principals, yes.

23 Q. You don't disagree with me that seeking  
24 monetary sanctions against a party makes you adverse  
25 to that party?

1 A. I'd say that's generally right, yeah.

2 Q. You have paid yourself, with court  
3 authorization, from funds that you collected as  
4 receiver from Cummings Manookian, correct?

5 A. From Cummings Manookian and Hammervold  
6 receivables, yeah, that's right.

7 Q. And do you know as of the time the adversary  
8 proceeding was filed -- do you know how much you had  
9 paid yourself, at that time, from those funds?

10 A. I don't, but the receivership reports would  
11 show that.

12 Q. Do you have any time or fees in the  
13 receivership action that have not been paid as of this  
14 date?

15 A. I think so, yes.

16 Q. And what's the date range of that work?

17 A. I don't recall.

18 Q. Do you have any -- do you recall what work you  
19 haven't been paid for in the receivership?

20 A. I think it was all pre-petition time, if  
21 that's what you're asking.

22 Q. So your recollection is that work you haven't  
23 been paid for in the receivership predates the filing  
24 of the bankruptcy?

25 A. That's my recollection, but the receivership

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1 reports would show that.

2 Q. Have you been paid for your work in December  
3 of 2019 in which you filed motions for a temporary  
4 restraining order seeking some sort of collection of  
5 funds from Hagh Law in front of Judge Allen?

6 A. I don't know.

7 Q. So you're not sure if you've been paid for the  
8 December 2019 work you did?

9 A. I don't know.

10 Q. That would be after the filing of the  
11 bankruptcy?

12 A. That's right.

13 Q. Is Cummings Manookian obligated to pay your  
14 unpaid fees in the receivership?

15 A. No.

16 Q. And why not?

17 A. I think there's a court order that directs  
18 that any unpaid receiverships be paid by the  
19 petitioning party, which would be the Chases.

20 Q. And that's because the \$750,000 that you were  
21 seeking to collect as receiver has been vacated as of  
22 this date; that order has been vacated by the  
23 Tennessee Court of Appeals?

24 A. I'm not sure that that's why, but what you  
25 said is accurate, that that order has been vacated.

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1 It was well after my involvement in the state court  
2 action.

3 Q. At this point in the receivership, there is  
4 not a chose in action that needs to be collected?

5 A. That's correct.

6 Q. Fair to say?

7 A. Yes.

8 Q. I'm talking to you about things you know  
9 better than I do, which is always the challenge being  
10 a lawyer.

11 MR. SPRAGENS: Let's take a little break.  
12 We don't have a whole lot more.

13 (Recess observed.)

14 BY MR. SPRAGENS:

15 Q. Mr. Young, have you ever spoken with Judge  
16 Walker in person or on the phone, outside the presence  
17 of opposing counsel, about any party or issue in this  
18 case?

19 A. No.

20 Q. You heard Judge Walker say that an attorney  
21 had called him expressing concerns about being in the  
22 same room with Mr. Manookian. Did you hear him say  
23 that at the hearing?

24 A. I heard him say that, that somebody had  
25 called --

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1 MR. CAMPBELL: Objection. Relevance.

2 THE WITNESS: I heard him say that  
3 somebody called chambers.

4 BY MR. SPRAGENS:

5 Q. And do you know anything about an attorney  
6 calling chambers about Mr. Manookian?

7 A. The only thing that I know about it is the  
8 very, very first hearing we had in this case, I called  
9 his courtroom deputy to alert her to the fact that a  
10 creditor's lawyer had an order of protection. And I  
11 didn't know how that was going to work logistically  
12 when you have a lawyer who's representing a creditor  
13 in the bankruptcy and the debtor's representatives  
14 and there was an order of protection down. And so I  
15 called to alert them to that so they would know how to  
16 handle that. But I don't know if anybody else called.

17 Q. And which creditor are you referring to?

18 A. Chase.

19 Q. And who's the lawyer?

20 A. Dan Puryear.

21 Q. And do you know if Mr. Puryear contacted  
22 chambers too about that?

23 A. I don't know.

24 Q. But you contacted chambers to let them know  
25 that the Chase parties and Mr. Manookian couldn't be

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1 in the same space; is that correct?

2 A. I just told them that I knew there was an  
3 order of protection, so logically I thought that  
4 was a potential problem.

5 MR. CAMPBELL: Objection. Relevance.

6 | BY MR. SPRAGENS:

7 Q. And did you make any comments about  
8 Mr. Manookian posing a risk to any person in the  
9 courthouse?

10 A. No.

11 Q. Do you know who in the chambers you talked to?

12 A. It would have been his courtroom deputy. I  
13 think it was the person before Lauren. Lauren is the  
14 current courtroom deputy, but I think it was the  
15 person before her.

16 Q. Did you consider filing a motion to point out  
17 whatever that concern was rather than calling chambers  
18 ex parte?

19 A. No.

20 O. And why not?

21 A. Because it was just a logistical issue and we  
22 always handle that through the courtroom deputies.

23 Q. Well, it was a logistical issue that  
24 implicated bodily safety; is that fair?

25 MR. CAMPBELL: Objection. Relevance.

1                   THE WITNESS: No, I don't think that's  
2 fair.

3 BY MR. SPRAGENS:

4 Q. Did you say anything about Mr. Manookian  
5 posing a risk to any person?

6 A. No.

7 Q. Do you know who was operating Cummings  
8 Manookian during the period December 2018 through  
9 March 2019?

10 A. No.

11 Q. You know it wasn't Mr. Cummings, though,  
12 correct?

13 A. I wasn't involved in the case during that  
14 time, so I don't know. I assume it wasn't, because he  
15 had withdrawn.

16 Q. And started his own firm?

17 A. Correct.

18 Q. And you learned all that as receiver?

19 A. Right.

20 Q. So as receiver, did you develop any view on  
21 who was operating Cummings Manookian during that time  
22 period between December 2018 and March 2019?

23 A. No.

24 Q. But I guess you testified earlier that you  
25 thought that -- at that time you thought that Ms. Hagh

1        might be a partner operating a firm?

2        A.        I didn't know what she was. I just know she  
3                  was signing pleadings on behalf of Cummings Manookian.

4        Q.        And you know she's a licensed attorney just  
5                  like you and I are, correct?

6        A.        Right.

7        Q.        And she's had other law firm jobs other than  
8                  Hagh Law. Are you aware of that?

9        A.        No.

10      Q.        You're aware that she's -- are you aware that  
11                 she has litigated and tried cases in court?

12      A.        I think somebody has mentioned that, but I'm  
13                 not personally aware of where that was or anything.

14      Q.        I guess I'm just trying to understand why you  
15                 developed the assumption that she was not, you know,  
16                 able to start her own law firm and represent clients  
17                 in her own capacity at Hagh Law.

18      A.        Is that a question?

19      Q.        Yeah. Can you shed any light on that?

20      A.        I don't think I developed the theory that she  
21                 wasn't able to. I think I developed the theory that  
22                 she didn't because she continued filing things on  
23                 behalf of Cummings Manookian.

24      Q.        As of March 2019, when she formed Hagh Law, do  
25                 you contend that Cummings Manookian still represented

1 the Fitzgeralds starting in March 2019?

2 A. I don't think I had an opinion on that as  
3 receiver.

4 Q. As receiver, did you develop an opinion on the  
5 last action that Ms. Hagh took on behalf of Cummings  
6 Manookian in the Fitzgerald case?

7 A. I didn't have an opinion about that.

8 Q. As receiver, do you hold the opinion that  
9 Cummings Manookian was entitled to 100 percent of the  
10 fee in the Fitzgerald case?

11 A. I never fully developed that opinion, so the  
12 answer to that is no, I didn't have an opinion on  
13 that. I felt confident that Cummings Manookian was  
14 entitled to at least the 760 that was in court.

15 Q. And you're aware now that your client's view  
16 is that Cummings Manookian is entitled to 100 percent  
17 of the fee in the Fitzgerald case?

18 A. Yes.

19 Q. But that is not a view that you had formed as  
20 receiver?

21 A. Not at that time.

22 Q. I'm not going to mark the complaint as an  
23 exhibit, but I'm going to hand you a copy of the  
24 adversary proceeding complaint. And my question is:  
25 Looking through Paragraphs 10 through 41, which are

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1 all the factual materials in the case, those were all  
2 facts that were developed within your knowledge as  
3 receiver; is that fair to say?

4 A. (Reviewing document.) No.

5 Q. Okay. Which facts were not within your  
6 personal knowledge as receiver?

7 A. I don't think I knew the date or the year in  
8 which Cummings Manookian was formed.

9 Q. So that would be a fact in Paragraph 10?

10 A. Uh-huh. Yes.

11 Q. And just for the record, you're reviewing  
12 these paragraphs in the complaint, and you'll let me  
13 know if you see facts that were not developed in your  
14 role as receiver.

15 A. Yes. And so in Paragraph 13, for example,  
16 I mean, these were things I knew as receiver, but  
17 actually, the actual pleadings are the best evidence  
18 of that.

19 Q. Fair enough.

20 A. Paragraph 13.

21 Q. But you had personal knowledge as receiver of  
22 the facts in Paragraph 13, even though the pleadings  
23 may be the best evidence of what was in those  
24 pleadings?

25 A. Right. I knew of those pleadings and I knew

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1       that they represented what it says in Paragraph 13.  
2       Same on Paragraph 14, and same on Paragraph 15. I  
3       mean, obviously the secretary of state's website is  
4       where that information came from.

5       Q.       That's right. But you --

6       A.       But I knew of that information, yes.

7       Q.       I think you testified earlier that you went  
8       and looked that up on the secretary of state's website  
9       when you were receiver.

10      A.       I think I did.

11               And the same thing on 16. That comes from  
12       pleadings, but I knew.

13               Now, 17 I did not have personal knowledge of  
14       as receiver.

15      Q.       You heard Ms. Burton testify that the basis  
16       for the allegation in 17 that appears in some other  
17       places in the complaint is the use of 45 Music Square  
18       West by Ms. Hagh on pleadings; is that right?

19      A.       That's right.

20      Q.       And you did have personal knowledge of that at  
21       the time?

22      A.       That's right.

23      Q.       And you're not aware of any other facts that  
24       support Paragraph 17 that were developed in your time  
25       as receiver, are you?

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1 A. No. 18, again, it was from the secretary  
2 of state's office. I'm actually not sure that as  
3 receiver I knew the date that Manookian, PLLC, was  
4 formed.

5 Q. So you don't have a recollection, when you  
6 were serving as receiver, looking up Manookian, PLLC?

7 A. I don't. And the same response to Number 19.  
8 I'm not sure that I looked into Manookian, PLLC, as  
9 receiver.

10 Q. Any reason why Manookian, PLLC, was not  
11 important to you when you were serving as receiver?

12 A. Because it wasn't holding any funds. It  
13 wasn't making claims to any funds. And, again, I was  
14 just trying to collect a receivable, and it wasn't  
15 making a claim to a receivable. And same answer to  
16 20.

17 Q. Okay. So those paragraphs with respect to  
18 Manookian, PLLC, are not information that you learned  
19 or developed as receiver?

20 A. That's right.

21 Q. And then I think we've talked about the next  
22 section, which is Paragraphs 21 through 24.

23 A. Yes. That would all be -- I would have had --  
24 again, some of these, I mean, are just reciting things  
25 that are in the record, but I would have had knowledge

1 of all this that was in the record, being 21 through  
2 24.

3 Q. And you were participating in the hearings in  
4 that case during that time period?

5 A. That's right.

6 Q. Paragraph 25 through 41 is about the  
7 Fitzgerald case. We talked about it a little bit  
8 earlier, but is it fair to say that these are facts  
9 that you developed or came to learn of in your time as  
10 receiver?

11 A. Let me look through them again.

12 Q. Sure.

13 A. It's been a while since I've seen this. I  
14 mean, we looked at it yesterday, but I was not looking  
15 at it through this lens.

16 And, again, just to be clear, a lot of these  
17 things I learned from documents, from pleadings, from  
18 the engagement letter, things like that. But I knew  
19 about those things, if that's the question. And then,  
20 obviously, like Paragraph 28 is actual -- I had  
21 personal knowledge of that.

22 Q. Right. And, for example, the things you  
23 learned about from documents in this section, which  
24 could be, you know, Paragraph 27, Paragraph --

25 A. 26.

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1 Q. -- 26, Paragraph 29, those are things you  
2 learned from documents in the course and scope of your  
3 duties as receiver?

4 A. That's correct.

5 Q. Okay. Otherwise, you'd probably tell me this  
6 was work product and you couldn't tell me how you know  
7 about this.

8 A. That's right. Yeah, that's right.

9 But yes, I had personal knowledge of all those  
10 facts.

11 Q. So that gets us through Paragraph 41.

12 A. Right.

13 Q. And then the remainder of the complaint are  
14 the claims for relief, correct --

15 A. Right.

16 Q. -- and the prayers for relief?

17 You can set that aside. Thank you.

18 Have you submitted all of your bills for your  
19 work as receiver, or are there some invoices that you  
20 haven't submitted?

21 A. I don't know. I'm not sure. I think I've  
22 submitted them all.

23 Q. So you think that you've submitted invoices  
24 that haven't been paid?

25 A. I think so.

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1 Q. And when you submit those, do you send those  
2 to the court?

3 A. I file them with the court.

4 Q. And that's filed in the Williamson County  
5 court, circuit court; is that correct?

6 A. Williamson County Circuit Court.

7 Q. I get confused because Judge Allen got  
8 involved, so I don't know where you file things in  
9 that case.

10 A. You file at the Williamson County Circuit  
11 Court.

12 Q. So as best you know as you sit here today,  
13 you've filed all of your invoices for your work as  
14 receiver?

15 A. As best I know, yes.

16 Q. But you don't think you've been paid on all of  
17 those invoices?

18 A. I think that's right.

19 Q. At some point, did the Chase parties become  
20 responsible for payment of your outstanding fees in  
21 the receivership?

22 A. My understanding is that the Court put down an  
23 order that made them responsible.

24 Q. And did you have any discussions with them  
25 about that before the Court put down that order?

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1 A. No.

2 Q. Is it your understanding that the Chase  
3 parties agreed to pay your outstanding fees in the  
4 receivership?

5 A. I saw it for the first time in a motion where  
6 they said that they would, and that had something to  
7 do with Mark Hammervold, I think.

8 Q. And no one acting on behalf of the Chase  
9 parties had contacted you before that motion was  
10 filed?

11 A. They did not. That was the first time I  
12 learned about it, when I saw it in the motion.

13 Q. It's rare that you get to receive a copy of  
14 the motion and learn that you're going to get paid.

15 A. I was not surprised by it because that's what  
16 Tennessee law says is that the petitioning party is  
17 responsible for a receiver's fees to the extent the  
18 estate is insufficient. So it didn't surprise me, but  
19 no, I had not had a conversation.

20 Q. But that was not pursuant to any agreement or  
21 negotiation --

22 A. It was not.

23 Q. -- as far as you're aware?

24 A. It was not.

25 Q. You testified earlier about the meeting

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1       between you and Mr. Manookian at 45 Music Square West.

2       Do you recall that?

3       A.       Yes.

4       Q.       Is it fair to say that that meeting lasted  
5       over an hour?

6       A.       I don't remember it being that long.

7       Q.       Would you agree with me that during that  
8       meeting, you and Mr. Manookian discussed Cummings  
9       Manookian cases?

10      A.       I do think that's right.

11      Q.       Do you recall that he told you, with respect  
12       to each Cummings Manookian case, what he expected the  
13       attorney's fee would be in that case?

14      A.       I don't know if we went over every case, but  
15       we certainly went over some.

16      Q.       So it is fair to say it was a substantive  
17       conversation about the pending cases that Cummings  
18       Manookian had and the amount that could be expected to  
19       be recovered in each case?

20      A.       Again, I'm not sure if we talked about each  
21       case, but we had discussions about what he expected  
22       out of some of the cases for sure.

23      Q.       And the topic of that discussion was Cummings  
24       Manookian's entitlement to fees in those cases which  
25       are the same cases that are listed in the adversary

1                   complaint, correct?

2                   A.         Yeah. He expressed his opinion about that,  
3                   right.

4                   MR. SPRAGENS: I think I'm going to see  
5                   if Mr. Gabbert has any questions.

6                   MR. GABBERT: No questions.

7                   FURTHER DEPONENT SAITH NOT.

8                   (Proceedings concluded at 11:31 a.m.)

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1 REPORTER'S CERTIFICATE

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3 I, Sabrina L. Schneider, Notary Public and

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8 accurate, and complete transcript to the best of my

9 ability.

10 I further certify that I am not an attorney

11 or counsel of any of the parties, nor a relative or

12 employee of any attorney or counsel connected with the

13 action, nor financially interested in the action.

14

15 SIGNED this 4th day of May, 2022

16

17

*Sabrina Schneider*

18

Sabrina L. Schneider, LCR

19

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## E R R A T A

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PHILLIP YOUNG

Notary Public  
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